

REMARKS

Reconsideration of the above referenced application in view of the following remarks is requested. Claims 4, 6, 8, 11-15, 20, and 29 have been cancelled. Claims 1, 3, 7, 9-10, 16-19, and 21-28 have been amended. Existing claims 1-3, 5, 7, 9-10, 16-19, and 21-28 remain in the application.

ARGUMENT

Claim Rejections – 35 U.S.C. § 102

Claims 1-3, 5, 8-27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts, et al. (U.S. Patent No. 5,027,406) (hereinafter Roberts).

A claim is anticipated under §102 “only if each and every element set forth in the claim is described, either expressly or inherently, in a single prior art reference. See MPEP § 2131 (Quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Regarding independent claim 1, it has been amended to more precisely reflect the subject matter disclosed in the present application. Amended independent claim 1 is not anticipated by Roberts because Roberts fails to teach at least the following claimed limitations: (1) the grammar file that includes at least one command syntax; (2) the controller that selects for an input utterance one recognizer, which performs most accurately for the input utterance among the at least one recognizer, based at least in part on the feedback data; and (3) modifying the grammar file based on feedback data.

Roberts only discloses a dictation system that does not use grammar files. In marked contrast, amended claim 1 explicitly recites a grammar file element. In

responding to the Applicant's argument that the language model disclosed in Roberts is not the same or equivalent to the grammar file recited in claim 1, the Examiner basically asserts that the term "grammar file" should be interpreted broadly to include the language model disclosed in Roberts even if the specification makes a clear distinction between a grammar file and a language model (see page 3, lines 18-22, and page 10, line 20 through page 11, line 30 of the specification). Here the Applicant respectfully disagrees with the Examiner on the interpretation of the term "grammar file," especially in light of the Federal Circuit's recent en banc decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 U.S.P.Q.2D (BNA) 1321 (Fed. Cir. 2005). In this decision, the court emphasized:

A fundamental rule of claim construction is that terms in a patent document are construed with the meaning with which they are presented in the patent document. Thus claims must be construed so as to be consistent with the specification, of which they are a part (quoting *Merck & Co. v. Teva Pharms. USA, Inc.*, 347 F.3d 1367, 1371 (Fed. Cir. 2003)).

Id. at 1316.

In the present application, the specification makes a clear statement that a grammar file is used for command and control applications but not for dictation applications which typically only use language models (see page 3, lines 18-22). Additionally the specification gives some examples of a grammar file which also clearly show that a grammar file as disclosed in the present application is not the same or equivalent to a language model which consists of n-grams (e.g., uni-grams, bi-grams, and/or tri-grams). Such a clear disclosure of the term "grammar file" in the specification makes it impossible to interpret the term to include the language model disclosed in Roberts under the *Phillips* decision. Thus, the Examiner made an error in interpreting

this term and Roberts does not teach or suggest the grammar file element recited in claim 1.

To make the term "grammar file" even more distinguishable from the language model disclosed in Roberts, independent claim 1 is again amended to further limit the grammar file element to include at least one command syntax. Nowhere does Roberts teach or suggest this amended "grammar file" element.

Additionally, claim 1 is amended to include a limitation of a controller that selects for an input utterance one recognizer, which performs most accurately for the input utterance among the at least one recognizer, based at least in part on the feedback data. Nowhere does Roberts teach or suggest such a controller because Roberts only discloses one dictation system and there is no need to select the best-performing speech recognizer for an input utterance based on feedback data.

Furthermore, Roberts does not teach or suggest modifying a grammar file based on feedback data. Because Roberts does not teach or suggest the grammar file having at least one command syntax, it is impossible for Roberts to teach or suggest modifying such a grammar file based on the feedback data.

Because Roberts does not teach or suggest at least the grammar file limitation, the controller limitation, or the limitation of modifying the grammar file based on feedback data, as recited in amended independent claim 1, this claim is not anticipated by Roberts. Amended claim is thus allowable over Roberts.

Regarding independent claims 16 and 25, they have been further amended to incorporate more limitations. Amended claims 16 and 25 are not anticipated by Roberts because Roberts fails to teach at least the following claimed limitations: (1) estimating a

correctness measure based at least in part on the grammar file; (2) the grammar file having at least one command syntax; and (3) modifying the grammar file based on feedback data.

In responding to Applicant's arguments that Roberts does not teach or suggest estimating a correctness measure, the Examiner basically stated that claims 16 and 25 do not expressly specify how a correctness measure is measured and thus make this limitation undistinguishable from a score obtained for an input utterance by comparing the input utterance with acoustic models as disclosed in Roberts. Claims 16 and 25 are again amended to further define this limitation, i.e., estimating a correctness measure based at least in part on the grammar file. The amended limitation now clearly distinguishes itself from the score obtained based on acoustic models, as disclosed in Roberts. Thus, Roberts does not teach or suggest the limitation of estimating a correctness measure based at least in part on the grammar file.

Additionally, based on the same reasons presented above for amended claim 1, Roberts does not teach or suggest the limitation of a grammar file having at least one command syntax or the limitation of modifying such a grammar based on feedback data.

Because Roberts does not teach or suggest at least the limitation of estimating a correctness measure based at least in part on a grammar file, the limitation of a grammar file having at least one command syntax, or the limitation of modifying such a grammar file based on feedback data, recited in amended independent claims 16 and 25, these claims are not anticipated by Roberts and thus are patentable over Roberts.

Independent claim 11 has been cancelled. Rejections of this claim are now moot.

Because amended independent claims 1, 16, and 25 are patentable over Roberts, all claims dependent therefrom are also patentable over Roberts (e.g., existing claims 2-3, 5, 7, 9-10, 17-19, 21-24, and 26-28).

Claim Rejections – 35 U.S.C. § 103

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Thelen, et al. (U.S. Patent No. 6,526,380) (hereinafter Thelen).

Claim 7 has been amended to recite “the feedback module modifies the grammar file by updating the grammar files to include a weighting for possibilities based upon the feedback data.” The currently claimed limitation is totally different from the originally claimed limitation. Thus, the 35 U.S.C. § 103(a) rejection of claim 7 is now moot.

Additionally, based on the arguments presented in traversing the 35 U.S.C. § 102 rejections, Roberts does not teach or suggest all of the limitations recited in amended independent claim 1. Claim 7 depends upon amended claim 1 and includes all the limitations recited in claim 1. Nowhere does Thelen teach or suggest those elements which are not taught or suggested by Roberts. Furthermore, a review of Thelen reveals that Thelen does not teach or suggest the currently recited limitation in claim 7.

Because the combination of Roberts and Thelen does not teach or suggest all the limitations recited in amended claim 7, this claim is patentable over Roberts in view of Thelen.

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of Ortega (U.S. Patent No. 6,157,910) (hereinafter Ortega).

Ortega discloses a method for updating an original speaker's speech file in a speech application. According to the method, when a user makes corrections to a document, the corrections for the document are logged into a file, which contains a log of corrections. The file log identifies changes to the language model and any new words added through correction. The user can take this log to another system. By invoking an Update Speech File command, for example from a menu, the system then reads the log and performs the same corrections to the original speaker's speech files as was performed on the other system.

According to the cited portion of Ortega cited by the Examiner (col. 1, line 44 to col. 2, line 6) as well as the entire Ortega reference, it is clear that Ortega discloses a method for how to apply a user's changes from one system to another system through a log file. The log file only contains corrections a user made to a document. Nowhere does Ortega disclose that the log file stores audio input signals. In marked contrast, the claimed limitation in claim 28 includes storing only those audio input signals for which the correction status indicates that a correction to the output signal was necessary. Additionally, the audio input signals are stored in the present application for the use of the current speech recognition system, not for another recognition system as disclosed in Ortega. Thus, Ortega does not teach or suggest the limitation recited in claim 28.

Additionally, based on the arguments presented in traversing the 35 U.S.C. § 102 rejections, Roberts does not teach or suggest all the limitations recited in amended independent claim 25, e.g., the element of estimating a correctness measure. Claim 28

depends upon amended claim 25 and includes all the limitations recited in claim 25. Nowhere does Ortega teach or suggest those elements which are not taught or suggested by Roberts (e.g., the element of estimating a correctness measure) either.

Because the combination of Roberts and Ortega does not teach or suggest all the limitations recited in claim 28, this claim is patentable over Roberts in view of Ortega.

CONCLUSION

In view of the foregoing, claims 1-3, 5, 7, 9-10, 16-19, and 21-28 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-1700. Early issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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